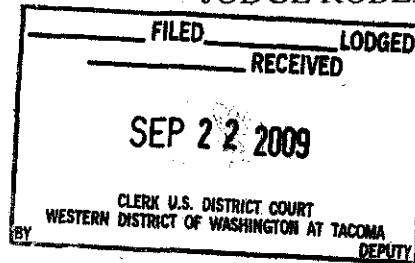


JUDGE ROBERT J. BRYAN



09-CR-05589-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALFREDO LOPEZ-SALAZAR,

Defendant.

NO. CR09-5589RJB

ORDER GRANTING JOINT MOTION
TO EXTEND TIME TO FILE
INDICTMENT UNDER SPEEDY TRIAL
ACT

The Court, having considered the parties' Joint Motion To Extend Time To File Indictment Under Speedy Trial Act finds that:

1. Mr. Alfredo Lopez-Salazar is charged by Complaint with Illegal Rentry after Deportation, in violation of Title 8, United State Code, Section 1326(a). Defendant was arrested and made his Initial Appearance on August 26, 2009.

2. Under the Speedy Trial Act, an Indictment charging a defendant must be filed within 30 days from the date on which the defendant was arrested or served with a summons in connection with such charges. 18 U.S.C. §3161(b). Hence, at the present time, the United States must obtain an Indictment in this case on or before September 26, 2009, to meet the requirements of the Speedy Trial Act.

3. The defendant is diligently conducting an investigation into the circumstances surrounding his situation at the time of his alleged offense. The defendant does not believe

ORDER GRANTING JOINT MOTION TO
EXTEND TIME TO FILE INDICTMENT

FEDERAL PUBLIC DEFENDER
1331 Broadway, Ste. 400
Tacoma, Washington 98402
(253) 593-6710

1 that his investigation will be completed by the expiration of the time to obtain an Indictment.
2 The defendant believes that the results of its investigation will be essential to preparing his
3 defense, and may facilitate a resolution of this matter.

4 4. The parties are seeking an Order continuing the time within which an Indictment
5 must be filed on the ground that the "ends of justice served by taking such action outweigh the
6 best interest of the public and the defendant in a speedy trial," as permitted by 18 U.S.C. §§
7 3161(h)(7)(A), (B)(i) and (B)(iv).

8 5. Given that the defense's investigation remains incomplete, the failure to grant an
9 extension would deny the defense the reasonable time necessary for adequate and effective
10 preparation, taking into account the exercise of due diligence. A denial of a continuance also
11 would result in a miscarriage of justice.

12 6. The defendant has executed a Waiver of Speedy Indictment waiving rights under
13 the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174 in this regard, and
14 has further agreed that the period from September 26, 2009, until
15 November 30, 2009, shall be an excludable period of time under the Speedy
16 Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

17 In light of the foregoing, IT IS HEREBY ORDERED that the time to file an indictment
18 be continued to November 30, 2009. The period of delay resulting from
19 this continuance from

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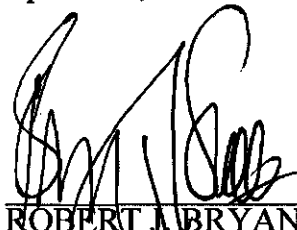
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1 September 26, 2009, to November 30, 2009, is hereby excluded for speedy trial
2 purposes under 18 U.S.C. §3161(h)(7).

3 DONE this 22 day of September, 2009.

4
5
6 

7 ROBERT J. BRYAN
UNITED STATES DISTRICT JUDGE

8 Presented by:

9
10 /s/ Jerome Kuh

11 Jerome Kuh
12 Attorney for Defendant

13
14 /s/ John O'Dell

15 John O'Dell
Special Assistant United States Attorney